

40.210 RESOURCE AND RURAL DISTRICTS

40.210.010 FOREST, AGRICULTURE AND AGRICULTURAL-WILDLIFE DISTRICTS (FR-80, FR-40, AG-20, AG-WL)

A. Purpose.

1. Forest 80 District. The purpose of the Forest 80 district is to maintain and enhance resource based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Forest I policies of the comprehensive plan. The Forest 80 district applies to lands which have been designated as Forest Tier 1 on the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington Forest Practices Act.
2. Forest 40 District. The purpose of the Forest 40 district is to encourage the conservation of lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources, such as minerals.
3. Agriculture 20 District. The purpose of the Agriculture 20 district is to encourage the conservation of lands which have the growing capacity, productivity, soil composition, and surrounding land use to have long-term commercial significance for agriculture and associated resource production.
4. Agricultural-Wildlife. The purpose of the AG-WL district is to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.

B. Uses. The uses set out in Table 40.210.010-1, following this section, are examples of uses allowable in the various resource zone districts. The appropriate review authority is mandatory.

“P” Uses allowed subject to approval of applicable permits.

“R/A” Uses permitted upon Review and Approval as set forth in Section 40.520.020.

“C” Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.

“X” Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapter is noted in the “Special Standards” column.

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
1. Residential					
a. Single-family dwellings	P ¹	P ¹	P ¹	P	
b. Guest house	C ²	C ²	C ²	C ²	40.260.010
c. Family day care centers	P	P	P	P	40.260.160
d. Home occupations	R/A ³	R/A ³	R/A ³	R/A	40.260.100
e. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A ³	R/A ³	R/A ³	R/A	40.260.050
f. Bed and breakfast establishments (3 or more guest bedrooms)	C ³	C ³	C ³	C	40.260.050
g. Garage sales	P	P	P	P	40.260.090
h. Temporary dwellings	R/A	R/A	R/A	X	40.260.210
2. Services, Business					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.	R/A	R/A	R/A	C	

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
b. Roadside stands not exceeding three hundred (300) square feet in area	P ⁴	P ⁴	P ⁴	P ⁴	
c. Kennels	C	C	C	X	40.260.040
3. Services, Amusement					
a. Public recreation, scenic and park use	P	P	P	C ⁵	
b. Public interpretive/educational uses	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts	P	P	P	X	
d. Public recreation access ways, trails, viewpoints, and associated parking	P	P	P	P	
e. Regional recreational facilities designed and developed through a public master planning process	P	P	P	P	
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C ⁵	
g. Country club and golf courses	X	X	C	X	
h. Equestrian activities, including rodeos, boarding, training and stabling.	P	P	P	X	40.260.040
i. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	40.260.060
4. Services, Membership Organization					
a. Churches	X	C	C	X	
5. Services, Educational					
a. Public and private elementary and middle schools serving a student population primarily outside of urban growth boundaries	C	C	C	X	40.260.160
6. Public Service and Facilities					
a. Ambulance dispatch facilities	C	C	C	C	40.260.030
b. Government facilities	C ⁶	C ⁶	C ⁶	C ⁷	
c. Public corrections facilities	C	C	C	X	
7. Resource Activities					
a. Agricultural	P ⁸	P ⁸	P ⁸	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.	P	P	P	X	
b. Wildlife game management	P	P	P	P	
c. Plant nurseries	P	P	P	P	

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
d. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440
e. Silviculture	P	P	P	C	40.260.080
f. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P ⁹	P ⁹	P ⁹	X	40.260.120
g. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
h. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
i. Commercial uses supporting resource uses	P ¹⁰	P ¹⁰	P ¹⁰	X	
j. Accessory buildings	P	P	P	P	40.260.010
k. Housing for agricultural employees, but not at a density exceeding that which is otherwise permitted	X	X	P	P	
l. Sawmills greater than ten thousand 10,000 board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
m. Forestry, environmental and natural resource research and facilities	P	P	P	C	
n. The processing of oil, gas and geothermal resources	C	C	C	X	
8. Other					
a. Signs	P	P	P	P	Chapter 40.310
b. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines	P	P	P	C	40.260.240
c. Wireless communications facilities	P/C ¹¹	P/C ¹¹	P/C ¹¹	P/C ¹¹	40.260.250
d. Dams for flood control and hydroelectric generating facilities	C	C	C	C	
e. Solid waste handling and disposal sites	C	C	C	C	40.260.200
f. Heliports, helipads and helispots	P	C	C	X	40.260.170
g. Private use landing strips for aircraft	C	C	C	X	40.260.170

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
h. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district.	X	X	X	C	
i. Temporary uses	P	P	P	P	40.260.220

¹ One (1) single-family dwelling on legal lot or legal nonconforming lot of record

² One (1) guesthouse in conjunction with a single-family dwelling or mobile home.

³ Home occupations and bed and breakfast establishments pursuant to Section 40.260.100 and 40.260.050, respectively, when they do not diminish the primary use of land for long-term commercial production of forest products and other natural resources.

⁴ Exclusively for the sale of agricultural products grown in the affected area, and set back a minimum twenty (20) feet from the abutting right-of-way or property line.

⁵ Public, where no public master planning process has been completed or private outdoor recreational facilities requiring limited physical improvements which are oriented to the appreciation, protection, study or enjoyment of the fragile resources of this area. In addition to those findings as specified by Chapter 40.520.030 (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:

- o There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and
- o The subject site cannot be put to any reasonable economic use which is provided for in this section.

⁶ Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

⁷ Limited to fire stations only.

⁸ Agriculture including: floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur bearing animals, and honeybees including feedlot operations, animal sales yards, Christmas trees, nursery stock and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.

⁹ Additional surface mining and associated activities subject to zone change to add the surface mining overlay district, Chapter 40.250.020.

¹⁰ Commercial uses supporting resource uses, such as packing, first stage processing and processing which provides value added to resource products. Chippers, pole yards, log sorting and storage, temporary structures for debarking, accessory uses including but not limited to scaling and weigh operations, temporary crew quarters, storage and maintenance facilities, disposal areas, saw mills producing ten thousand (10,000) board feet per day or less, and other uses involved in the harvesting of forest products.

¹¹ See Table 40.260.250-1.

C. Development standards

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.010-2 and 40.210.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.010-2. Lot Requirements				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
FR-80	All Uses	80 ¹	660 ²	None
FR-40	All Uses	40 ¹	660 ²	None

Table 40.210.010-2. Lot Requirements				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
AG-20	All Uses	20 ¹	660 ²	None
AG-WL	Agricultural	20	None	None
	Wildlife game management	20	None	None
	Public interpretive/educational uses	N/A	None	None
	Single-family dwellings	160	None	None
	Plant nurseries	20	None	None
	Silviculture	20	None	None
	Public recreation accessways and associated parking and trails	N/A	None	None

¹ The following uses may be permitted on newly approved lots of less than the minimum parcel size:

- a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines and telecommunication facilities.
- b. Dams for flood control and hydroelectric generating facilities.

² Minimum Lot Width-- One hundred forty (140) feet for legal lots created under subsections (A)(1) and (2) of this section.

Table 40.210.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ¹				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
FR-80	50 ²	25	50 ³	50 ³	NA	35 ⁴
FR-40	50 ²	25	50 ³	50 ³	NA	35 ⁴
AG-20	50 ²	25	50 ³	50 ³	NA	35 ⁴
AG-WL	None	None	None	None	N/A	None

¹ Setback Reductions. For all parcels, setbacks shall be those established above, unless implementation of those setback requirements would result in the remaining area, which is not within the setbacks, having dimensions that are less than one hundred and fifty (150) feet in width and/or depth. Side and rear setbacks may then be reduced to a minimum of five feet as needed to allow for a maximum building area of one hundred and fifty (150) feet in width and/or depth. Setbacks shall be reduced the minimum amount necessary in order to achieve the one hundred and fifty (150) feet width and/or depth of the area that is not within the setbacks.

² From public road right-of-way or private road easement.

³ All structures.

⁴ Residential buildings only.

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
3. Previous land divisions. Within the FR-80, FR-40 and AG-20 districts, until the affected property is included within an urban growth boundary, no remainder lot of a previously approved agriculture or forest district "cluster" land division or lot reconfiguration shall be:
 - a. Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or,
 - b. Reduced by a total of more than one acre.

Applications for reduction in remainder lot size consistent with this provision shall be processed as a lot alteration pursuant to Section 40.540.120.

D. Nonconforming lots--Lot reconfiguration standards.

1. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of commercially viable resource land under single ownership, reduce the amount of road and utility construction and, within the FR-80, FR-40 and AG-20 districts, to protect and buffer designated resource lands.
2. Lot Reconfiguration. Except for previously approved agricultural or forest zoned clusters or rural residential planned unit developments, these substandard lots may be modified where consistent with the following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and reduction in size subject to a Type II review:
 - a. Existing parcel(s) is:
 - (1) Smaller than the minimum lot size established for new lots in the applicable zoning district. Parcels which meet the minimum lot size may be adjusted as a part of this process, but may not be decreased below the established minimum lot size;
 - (2) Determined to be legally created, and be reasonably buildable. Within the FR-80, FR-40 and AG-20 districts, this section authorizes lot reconfiguration only where existing divisions are determined to have a reasonable probability of developing. For the purposes of this section the review authority shall determine whether the existing lots are reasonably buildable by considering the following: road access, septic suitability, topography, costs of providing infrastructure and the presence of sensitive lands.
 - b. Proposed parcel(s) results in the following:
 - (1) No additional parcels;
 - (2) Have septic suitability approval;
 - (3) Have adequate potable water at the time of occupancy, subject to Section 40.370.020;
 - (4) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a minimum width of at least one hundred forty (140) feet; and
 - (5) In addition, within the FR-80, FR-40 and AG-20 districts:
 - (a) The location of the resulting reconfigured lots shall have the least impact on sensitive and resource lands;
 - (b) Access to reconfigured lots shall meet the minimum standards necessary to obtain a building permit;
 - (c) The remainder lot shall not be further subdivided or reduced in size unless the affected property is included within an urban growth boundary;
 - (d) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section;
 - c. Reconfigured lots shall result in achieving one or more of the identified public interest issues in subsection (D)(1) of this section.
3. Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as established for the Rural-5 (R-5) district except that reductions in side and rear setbacks shall be granted where necessary to permit construction of a dwelling on the parcel; providing, when the parcel is abutting, or surrounded by, property zoned for resource uses, the minimum setback from those property lines shall be fifty (50) feet for all structures.
4. The review authority may impose conditions on the lot reconfiguration to further the purposes of this section.
5. Lot reconfigurations shall be finalized upon the filing of a record of survey or covenant.

40.210.020 RURAL DISTRICTS (R-20, R-10, R-5)

A. Purpose. The rural districts are intended to provide lands for residential living in the rural area. Natural resource activities such as farming and forestry are allowed and encouraged in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices.

B. Uses. The uses set out in Table 40.210.020-1, following this section, are examples of uses allowable in the various rural districts. The appropriate review authority is mandatory.

"P" Uses allowed subject to approval of applicable permits.

"R/A" Uses permitted upon Review and Approval as set forth in Section 40.520.020.

"C" Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.

"X" Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapter is noted in the "Special Standards" column.

Table 40.210.020-1. Uses				
	R-20	R-10	R-5	Special Standards
1. Residential				
a. Single-family dwellings and accessory buildings	P	P	P	40.260.010
b. Family day care centers	P	P	P	40.260.150
c. Home occupations	R/A	R/A	R/A	40.260.100
d. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	40.260.050
e. Bed and breakfast establishments (3 or more guest bedrooms)	C ³	C ³	C ³	40.260.050
f. Garage sales	P	P	P	40.260.090
g. Residential care homes	C	C	C	40.260.180
h. Temporary dwellings	P	P	P	40.260.210
2. Services, Business				
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.	R/A	R/A	R/A	
b. Roadside stands not exceeding two hundred (200) square feet in area	P ¹	P ¹	P ¹	
c. Veterinary clinics	C	C	C	
d. Kennels	C	C	C	40.260.040
3. Services, Amusement				
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	P	
b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park or gun club	C	C	C	
c. Golf courses	C	C	C	
d. Riding stables	C	C	C	
e. Outdoor public entertainments, amusements and assemblies	R/A	R/A	R/A	Chapter 5.32 40.260.060
4. Services, Membership Organization				
a. Churches	C	C	C	

Table 40.210.020-1. Uses				
	R-20	R-10	R-5	Special Standards
5. Services, Educational				
a. Public or private schools, but not including business, dancing or technical schools	C	C	C	40.260.160
6. Public Service and Facilities				
a. Ambulance dispatch facilities	C	C	C	40.260.030
b. Government facilities	C ²	C ²	C ²	
7. Resource Activities				
a. Agricultural and forestry, including any accessory buildings and activities	P	P	P	40.260.080
b. Silviculture	P	P	P	40.260.080
c. Commercial uses supporting agricultural and forestry resource uses	P ³	P ³	P ³	
d. Quarters, accommodations, or areas for transient labor, such as labor cabins or camps	P	P	P	(See definition of “Transient Labor”)
8. Other				
a. Private use landing strips for aircraft and heliports	C	C	C	40.260.170
b. Solid waste handling and disposal sites	C	C	C	40.260.200
c. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines	P	P	P	40.260.240
d. Wireless communications facilities	P/C ⁴	P/C ⁴	P/C ⁴	40.260.250
e. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district.	C	C	C	
f. Temporary uses	P	P	P	40.260.220

¹ Exclusively for the sale of agricultural products locally grown, and set back a minimum twenty (20) feet from the abutting right-of-way or property line.

² Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

³ Commercial uses supporting agricultural and forestry resource uses, such as packing, first stage processing and processing which provides value added to resource products.

⁴ See Table 40.260.250-1.

C. Development standards

1. Unless otherwise permitted under Section 40.210.020D (Rural Cluster Development), new lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.020-2 and 40.210.020-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.020-2. Lot Requirements			
Zoning District	Minimum Lot Area (acres) ¹	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
R-20	20 acres or legally described as one thirty-second (1/32) of a section	330	None

Table 40.210.020-2. Lot Requirements			
Zoning District	Minimum Lot Area (acres) ¹	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
R-10	10 acres or legally described as one sixty-fourth (1/64) of a section	330	None
R-5	5 acres or legally described as one-one hundred and twenty-eighth (1/128) of a section	140 ²	None

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size

² Unless a greater width shall be required by the Clark County fire code.

Table 40.210.020-3. Setbacks, Lot Coverage and Building Height							
Zoning District	Minimum Setbacks					Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)	Between buildings on site (feet)		
		Street (feet)	Interior (feet)				
R-20	50	25	20, 50 ¹	20, 50 ²	8	NA	35 ³
R-10	50	25	20, 50 ¹	20, 50 ²	8	NA	35 ³
R-5	50	25	20, 50 ¹	20, 50 ²	8	NA	35 ³

¹ Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ Residential buildings only.

2. Previous land divisions. Until the affected property is included within an urban growth boundary, no remainder lot of a previously approved cluster land division or lot reconfiguration shall be:
 - a. Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or,
 - b. Reduced by a total of more than one acre.
 Applications for reduction in remainder lot size consistent with this provision shall be processed as a plat alteration pursuant to Section 40.540.120.
3. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
4. Off-street parking. Off-street parking shall be provided as required in Chapter 40.340.

D. Rural Cluster Development

1. Purpose. The purpose of this section is to provide for small lot residential development in the rural zoning districts (R-5, R-10 and R-20) which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve open space and resource lands.
2. Definitions. For the purposes of this section, the following definitions shall apply:

- a. "Building envelope" shall mean that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure.
 - b. "Critical lands," for the purposes of this section, shall mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.
 - c. "Remainder parcel" shall mean the remainder parcel of the cluster provision that contains the majority of the land within the development and is devoted to open space, resource or other authorized use.
3. Development standards.
- a. Maximum density. Cluster developments are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section.
 - b. Cluster Lots.
 - (1) Cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.
 - (2) Cluster lots and building envelopes may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.
 - c. Remainder Parcel.
 - (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. The remainder parcel shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space. To the maximum extent possible, all critical areas and any associated buffers existing on property proposed for cluster development shall be located within the remainder parcel. In order to retain the rural character the remainder parcel should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges.
 - (2) There are two (2) ways of utilizing the maximum density allowed within a cluster development, as follows:
 - (a) The creation of cluster lots equal to no more than the maximum allowed density, with a remainder parcel that can be used only for the agriculture and forestry uses as listed in Table 40.210.010-1 (7)(a), (b) and (d) or as open space. An example of this would be a twenty- (20) acre parcel in the R-5 district, where four (4) cluster lots and one remainder are created. All of the allowed density is used on the cluster lots, and the remainder parcel can only be used as open space or for agriculture or forestry uses.
 - (i) If this option is used, an open space, farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains its open space or other designated functions and provides for the protection of all critical areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation clearing that may occur on-site. All subsequent activities must be conducted in conformance with the approved management plan. Management plans may be modified through a Type II process.
 - (ii) A note shall be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.
 - (b) The creation of cluster lots equal to no more than one less than the maximum allowed density, with a remainder parcel that can also be developed. If this option is used, the remainder parcel may contain the uses listed in Table 40.210.020-1. An example of this would be a twenty- (20) acre parcel in the R-5 district, where three (3) cluster lots and one remainder are created. The allowed density, less one, is used on the cluster lots. This permits the remainder parcel to be developed with any of the uses normally allowed in the rural districts.

If the remainder parcel is to be residentially developed, a building envelope shall be delineated on the final plat which meets the development standards and lot requirements for cluster lots. This building envelope must be located outside of any critical areas including fish and wildlife habitat areas, riparian corridors, geologic hazard areas, areas of significant natural vegetation, wetlands, prominent hillsides, meadows, ridges and any buffers associated with the above areas. This requirement shall not apply to preexisting residences located on the remainder lot.

4. Lot requirements. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.020-4 and 40.210.020-5, subject to the provisions of Chapter 40.200 and the Section 40.550.020.

Table 40.210.020-4. Lot Requirements – Rural Cluster Development					
Lot Type	Zoning District	Minimum Lot Area	Maximum Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	R-20, R-10, R-5	1 acre ¹	None ²	100 ³	140
Remainder Lot	R-5	65% of site	None ²	None	None
	R-20, R-10	75% of site	None ²	None	None

¹ Unless a larger size is required by the Clark County Health Department. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

² The minimum standard for remainder parcels controls the maximum size of cluster lots.

³ Unless a greater width shall be required by the Clark County fire code.

Table 40.210.020-5. Setbacks, Lot Coverage and Building Height – Rural Cluster Development						
Zoning District and Lot Type	Location or Structure Type	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (feet)
		Front (feet)	Side (feet)	Rear (feet)		
R-20, R-10, and R-5 — Cluster Lots and Remainder Lots	Adjacent to a cluster lot	20	20	20	NA	35 ²
	Adjacent to resource district	200 ³	200 ³	200 ³		
	Agricultural structures	50	50	50		
	Vehicle entry gates or garage door openings	20	20	20		
	All other situations	50	20	50		

¹ Minimum required setback adjacent to resource district—two hundred (200) feet, except in cases where it can be shown that a lesser setback will provide the same or greater buffering or where requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

² Residential buildings only.

³ Except in cases where it can be shown that a lesser setback will provide the same or greater buffering or where requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

5. Design requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.
 - a. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
 - b. Sight obscuring fences are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight obscuring fences include fences that meet either the F1 or the F2 standard in Section 40.320.010(B)(6) and (7).

- c. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.
- 6. Landscaping standards. Cluster developments shall be landscaped within the developed portion of cluster lots, so as to reduce views of the development from the public right(s)-of-way so that a filtered view is provided of the cluster and the cluster does not dominate the landscape.
 - a. At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of native vegetation as provided on the Clark County plant list (see the Standard Details Manual). A combination of trees and shrubs must be used.
 - b. All landscaping shall be installed prior to final plat unless financial guarantees are made for its installation prior to any building permit activity. Any required landscaping materials that fail to survive within the first two (2) years shall be promptly replaced.
- 7. Previously approved cluster and lot reconfiguration remainder lots. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section.
- 8. Procedures. Cluster land divisions shall be processed in accordance with the established procedures for land divisions under 40.540.
- 9. Notice of resource activities. Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall be indicated on the face of the final plat and recorded separately with the County Auditor for each parcel within the cluster:

The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

40.210.030 RURAL CENTER RESIDENTIAL DISTRICTS (RC-2.5, RC-1)

- A. Purpose. The rural center residential zones are to provide lands for residential living in the rural centers at densities consistent with the comprehensive plan. These districts are only permitted in the designated rural centers. Natural resource activities such as farming and forestry are allowed to occur as small scale activities in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices.
- B. Location criteria. These zoning districts are only permitted within the designated rural centers adopted as part of the Clark County comprehensive plan in areas with a comprehensive plan designation of rural center residential.
- C. Uses. The uses set out in Table 40.210.030-1, following this section, are examples of uses allowable in rural center residential zone districts. The appropriate review authority is mandatory.
 “P” Uses allowed subject to approval of applicable permits.
 “R/A” Uses permitted upon Review and Approval as set forth in Section 40.520.020.
 “C” Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.
 “X” Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapter is noted in the “Special Standards” column.

Table 40.210.030-1. Uses			
	RC-1	RC-2.5	Special Standards
1. Residential			
a. Single-family dwellings and accessory buildings	P	P	40.260.010
b. Family day care centers	P	P	40.260.150
c. Home occupations	R/A	R/A	40.260.100
d. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	40.260.050
e. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	40.260.050
f. Garage sales	P	P	40.260.090
g. Residential care homes	C	C	40.260.180
h. Temporary dwellings	P	P	40.260.210
2. Services, Business			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.	R/A	R/A	
b. Roadside stands not exceeding two hundred (200) square feet in area	P ¹	P ¹	
c. Veterinary clinics	C	C	
d. Kennels	C	C	40.260.040
3. Services, Amusement			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	
b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park or gun club	C	C	
c. Golf courses	C	C	
d. Riding stables	C	C	

Table 40.210.030-1. Uses			
	RC-1	RC-2.5	Special Standards
e. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32 40.260.060
4. Services, Membership Organization			
a. Churches	C	C	
5. Services, Educational			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C ²	C ²	
7. Resource Activities			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
8. Other			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communications facilities	P/C ³	P/C ³	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district.	C	C	
e. Temporary uses	P	P	40.260.220

¹ Exclusively for the sale of agricultural products locally grown, and set back a minimum twenty (20) feet from the abutting right-of-way or property line.

² Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

³ See Table 40.260.250-1.

D. Development standards

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.030-2 and 40.210.030-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.030-2. Lot Requirements			
Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RC-2.5	2.5 ¹	100 ²	140
RC-1	1.0 ¹	100 ²	140

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

² Unless a greater width shall be required by the Clark County fire code.

Table 40.210.030-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
RC-2.5	25	25	10, 50 ¹	10, 50 ²	NA	35 ³
RC-1	25	25	10, 50 ¹	10, 50 ²	NA	35 ³

¹ *Side Setbacks. Minimum side setback on each side of the residential dwelling and incidental buildings shall be ten (10) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.*

² *Rear Setbacks. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.*

³ *For all structures.*

⁴ *Setbacks for nonconforming lots shall be those as set forth for conforming lots except in cases where the standard setbacks will result in the buildable area of the lot being reduced to less than ten thousand (10,000) square feet. In these cases setbacks may be reduced to achieve a building envelope of at least ten thousand (10,000) square feet, however in no case may they be reduced to less than twenty (20) feet for the front setback and five (5) feet for the side and rear setbacks.*

2. Previous land divisions.

The remainder lot of a previously approved agriculture or forest district “cluster” land division or the remainder lot of a reconfigured land division may be further divided only if the total number of lots in the previously approved “cluster” land division is below the density permitted in the existing zone. An example is a previously approved “cluster” short plat of three (3) one (1) acre and one (1) seventeen (17) acre remainder which is now zoned for five (5) acre lots. The original parcel was twenty (20) acres, divided by the current two and one-half (2.5) acre minimum lot size equals eight (8) lots. Since four (4) lots were already created, the remainder parcel can be further divided into not more than four (4) additional lots.

3. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

4. Off-street parking. Off-street parking shall be provided as required in Chapter 40.340.

40.210.040 URBAN RESERVE DISTRICTS (UR-20, UR-10)

A. Purpose.

1. Urban Reserve-20. The urban reserve-20 zone is to protect land identified as industrial reserve within, or on the fringe of, urban growth boundaries from premature land division and development that would preclude efficient transition to large scale industrial development.
2. Urban Reserve-10. The urban reserve-10 zone is to protect land identified on the fringe of urban growth boundaries from premature land division and development that would preclude efficient transition to urban development. These areas are identified as being future additions to the urban growth areas which will be added to the urban area as needed, through amendments to the comprehensive plan.

B. Uses. The uses set out in Table 40.210.040-1, following this section, are examples of uses allowable in urban reserve zone districts. The appropriate review authority is mandatory.

“P” Uses allowed subject to approval of applicable permits.

“R/A” Uses permitted upon Review and Approval as set forth in Section 40.520.020.

“C” Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030. In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be met by all conditional uses:

- a. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding urban reserve properties.
- b. All necessary road, drainage and other rights-of-way or easements necessary to ensure that future urban development will occur in an orderly manner shall be identified and approved by the county engineer and dedicated or otherwise protected.
- c. Signed agreements between the property owner and the service provider(s) to connect to public sewer and water when they become available within three hundred (300) feet of the site shall be provided prior to commencing the authorized use; provided, such extension or connection does not require pump stations or capital facilities, such as larger pipes, to increase the capacity of the system.
- d. In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be met by all schools:
 - i. The proponent shall demonstrate that the proposed site is more suitable than specific alternative sites within the existing urban growth area. The proponent shall address suitability criteria, which includes property size, topography, zoning, surrounding land uses, transportation (including adequacy of roads and transit services), environmental concerns and location within the area to be served.
 - ii. Schools shall be located within one-quarter (1/4) mile of the urban growth boundary unless the applicant demonstrates no suitable property is available.

“X” Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapter is noted in the “Special Standards” column.

Table 40.210.040-1. Uses			
	UR-20	UR-10	Special Standards
1. Residential			
a. Single-family dwellings and accessory buildings	P	P	40.260.010
b. Family day care centers	P	P	40.260.160
c. Home occupations	R/A	R/A	40.260.100
d. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	40.260.050
e. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	40.260.050
f. Garage sales	P	P	40.260.090
g. Residential care homes	C	C	40.260.180
h. Temporary dwellings	P	P	40.260.210

Table 40.210.040-1. Uses			
	UR-20	UR-10	Special Standards
2. Services, Business			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.	R/A	R/A	
b. Roadside stands not exceeding two hundred (200) square feet in area	P ¹	P ¹	
c. Veterinary clinics	C	C	
d. Kennels	C	C	40.260.040
3. Services, Amusement			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	
b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park or gun club	C	C	
c. Golf courses	C	C	
d. Riding stables	C	C	
e. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32 40.260.060
4. Services, Membership Organization			
a. Churches	C	C	
5. Services, Educational			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C ²	C ²	
7. Resource Activities			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
c. Quarters, accommodations, or areas for transient labor, such as labor cabins or camps	P	P	
8. Other			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communication facilities	P/C ³	P/C ³	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district.	C	C	
e. Temporary uses	P	P	40.260.220

¹ Exclusively for the sale of agricultural products locally grown, and set back a minimum twenty (20) feet from the abutting right-of-way or property line.

² Government facilities necessary to predominantly serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

³ See Table 40.260.250-1.

C. Development standards

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.040-2 and 40.210.040-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.040-2. Lot Requirements			
Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
UR-20	20 ¹	350 ²	None
UR-10	10 ¹	350 ²	None

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

² Unless a greater width shall be required by the Clark County fire code.

Table 40.210.040-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
UR-20	50	20, 50 ¹	20, 50 ¹	20, 50 ²	NA	35, 50 ³
UR-10	50	20, 50 ¹	20, 50 ¹	20, 50 ²	NA	35, 50 ³

¹ Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ Thirty-five (35) feet for residential structures, fifty (50) feet for nonresidential structures.

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
3. Off-street parking. Off-street parking shall be provided as required in Chapter 40.340.